



U.S. Department  
of Transportation

**Federal Highway  
Administration**

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Washington, D.C. 20590

September 30, 1996

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: Establishing Rules and Policies for Local  
Multipoint Distribution Service and for  
Fixed Satellite Service  
CC Docket No. 92-297, FCC 96-311

Dear Mr. Caton:

The Federal Highway Administration ("FHWA") has only recently become aware of the above-referenced proceeding and its potential impact on technologies of particular importance to this agency -- those concerned with the safe and efficient movement of people and goods on the nation's roadways. Accordingly, we request that the Federal Communications Commission ("FCC" or "Commission") consider these otherwise out-of-time comments.

In its *Fourth Notice of Proposed Rulemaking* ("Notice"), the Commission has proposed in this proceeding to designate an additional band segment, 31.0-31.3 GHz, for Local Multipoint Distribution Service ("LMDS") systems on a primary protected basis. Notice at ¶ 95. The FCC has done so in order to maximize the interactive or two-way aspects of the various benefits promised by these systems, some of which require a wide separation between transmission and receiving frequencies. *Id.* and at ¶¶ 98, 100. The Notice also observes that there are current users in this band who are not legally entitled to protection from interference. *Id.* at ¶¶ 96, 102. It is on behalf of these users, local governments using the 31 GHz band segment for traffic management and other public interest purposes (*Id.* at ¶ 99), that the FHWA offers these comments.

Comments submitted previously by various public and private parties show that there is a substantial base of public agencies using the 31.0 GHz to 31.3

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GHz band for traffic surveillance and control as well as other public purposes, such as environmental improvements.<sup>1</sup>

As the FCC is aware, the Federal government and State and local governments across the country have been making major investments in new technologies to alleviate congestion on our roads and improve the efficiency of the Nation's transportation system, as well as to comply with environmental laws. These efforts are critical to the economic health of the country since 80% of our goods and most of our workforce rely exclusively on the nation's roads for safe and reliable mobility. These new approaches to transportation management and efficiency are made possible by telecommunications and information technologies that gather data on the roadways and then control the flow of traffic in response to the observed conditions.

Indeed, the use of point-to-point microwave links in particular has become a significant tool in this process of surveillance and control of the roads by providing a data and video pipeline for traffic managers. It is our understanding that over the past four years about 40 communities have installed, or are in the process of installing, 31.0 GHz point-to-point microwave links for this purpose. As a result of the Commission's Notice, FHWA is gathering more specific information on the extent of the investment in this technology in various geographic areas.

The Commission has acknowledged the public interests to which this band of the spectrum has been put and has sought comment on ways to accommodate the competing interests of LMDS systems and state and local governments. Notice at ¶¶ 103, 104. The FHWA appreciates the FCC's sensitivity to the problems posed by the proposed allocation. In this regard it seems that the Commission's encouragement of cooperation among affected parties (*Id.* at ¶ 104) may have borne fruit. Apparently there has been progress with suggested band sharing arrangements among 31 GHz users.<sup>2</sup>

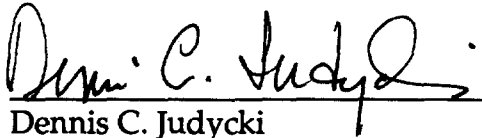
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<sup>1</sup>/ *E.g.*, the cities of San Diego, Honolulu, and Wichita, Sierra Digital Communications, Inc., Sunnyvale GDI, and the Nevada Department of Transportation.

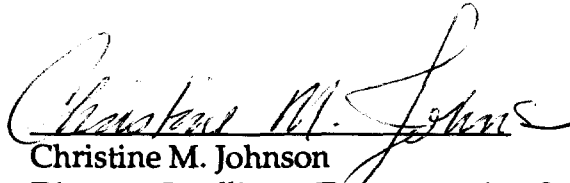
<sup>2</sup>/ Reply Comments of Sierra Digital Communications at 11-13. The Sierra plan envisions that the existing municipal licensees would share the 31.0 GHz to 31.3 GHz band with potential LMDS service providers. Specifically, the plan proposes that the center 150 MHz in this band be allocated to LMDS, and that the upper and lower 75 MHz in the band be left available to the existing traffic management applications. *Id.* Reportedly this plan has been accepted by at least two of the potential LMDS providers and there is active negotiation with the other two principal advocates of LMDS.

Such arrangements may hold the promise of meeting the FCC's original goal of providing 1.0 GHz of protected spectrum for LMDS, while at the same time ensuring that the existing users have adequate, protected spectrum for their public interest purposes. The Federal Highway Administration accordingly supports efforts to negotiate a compromise and we urge the Commission to allow, if not facilitate, such processes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis C. Judycki", written over a horizontal line.

Dennis C. Judycki  
Associate Administrator  
for Safety and Systems Applications  
Federal Highway Administration

A handwritten signature in black ink, appearing to read "Christine M. Johnson", written over a horizontal line.

Christine M. Johnson  
Director, Intelligent Transportation Systems  
Joint Program Office  
Federal Highway Administration

U.S. Department Of Transportation